



TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	09/862,914
		Filing Date	05-22-2001
		First Named Inventor	MAGINE, DANIEL J.
		Art Unit	3662
		Examiner Name	PIHULIC, DANIEL T.
		Attorney Docket Number	DJM0001
Total Number of Pages in This Submission			

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Daniel J. Magine
Signature	<i>Daniel J. Magine</i>
Date	Nov. 19, 2003

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Daniel J. Magine		
Signature	<i>Daniel J. Magine</i>	Date	Nov. 19, 2003

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)1807.00

Complete if Known

Application Number	091862,914
Filing Date	05-22-2001
First Named Inventor	MAGINE, DANIEL J.
Examiner Name	PIHULIC, DANIEL T
Art Unit	3662
Attorney Docket No.	DJM0001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	230	182 Extra Claims	Fee from below	Fee Paid
Independent Claims	20	5	43	215
Multiple Dependent	10	8	145	1160

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Daniel J. Magine	Registration No. (Attorney/Agent)	Telephone 847-776-9466
Signature	Daniel J. Magine	Date	Nov. 19/2003

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Serial No. 09/862,914 – Magine, et al.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Daniel Pihulic
(703) 306-4168 (ph), (703) 872-9326 (fax: non-final response)
Inventors: Daniel J. Magine and Kevin D. Kaschke
Docket No.: DJM0001 *Priority Date:* None
Appln. No.: 09/862,914 *Group Art Unit:* 3662
Filing Date: May 22, 2001
Entitled: Underwater Alert System

Daniel J. Magine
2217 West Palatine Road
Inverness, Illinois 60067

November 19, 2003

Amendment and Response

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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1. Responsive to the Office Action dated August 19, 2003 for the above-identified patent application, the Applicant hereby submits the present amendment and response within the three month shortened statutory period set to expire three months from the date of the present Office Action on November 19, 2003.

2. Claims 1-182 were pending in the application.

3. The Examiner allowed claims 1-132 and 166-178.

4. The Examiner withdrew the allowance of claims 133-165 in view of newly discovered reference Cochran DiveMaster and Nemesis IIa.

5. The Examiner rejected claims 133-138, 151, 152, 155, 156, 158, 159, 163, 165, and 179-182 under 35 U.S.C. 102(b) as being anticipated by the Cochran DiveMaster and Nemesis IIa dive instruments.

11/25/2003 KBETEM1 00000057 09862914

01 FC:2202
02 FC:2201
03 FC:2203

432.00 OP
215.00 OP
~~1160.00 OP~~

Adjustment date: 11/28/2003 KBETEM1
11/25/2003 KBETEM1 00000057 09862914
03 FC:2203 ~~1160.00 OP~~

1/3

11/28/2003 KBETEM1 00000024 09862914

01 FC:2203

145.00 OP

Refund Ref:

11/28/2003 KBETEM1 0000132534

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6. The Examiner objected to claims 139-150, 153, 154, 157, 160-162, and 164 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The Applicant provides 230 claims total, including 21 independent claims and 8 multiple dependent claims (113, 114, 194-199), in the present amendment.

8. The Applicant encloses the appropriate fee for the newly added claims.

9. The Applicant provides the amended claims as a marked up version showing additions as underlined and deletions as a strikethrough. No new matter has been added by this amendment.

10. In the present amendment:

a. Claims 1-139 generally claim the mask alert concept disclosed in the present application as the first and second embodiments.

The Applicant amended claims 1-139 to represent previously added dependent claims closer to the claims on which they depend, amended some of amended claims 1-139 to correct for antecedent basis, and added some new claims among claims 1-139. The Examiner previously allowed all of the previously presented claims related to the mask alert concept disclosed in the present application as the first and second embodiments. Therefore, claims 1-139 should be allowable.

b. Claims 140-230 generally claim the dive computer data concept disclosed in the present application as the third embodiment.

The Examiner rejected, objected to, and allowed some of the previously presented claims related to the dive computer data concept disclosed in the present application as the third embodiment, as noted above.

Independent claims 140, 167, 191, 192, and 193 should now be allowable, since they are based on previously presented claim 157, which was objected to by the Examiner.

Independent claim 173 should now be allowable, since it is based on previously presented claim 166, which was allowed by the Examiner, and previously presented claim 154, which was objected to by the Examiner.

Independent claim 200 should now be allowable, since it is based on previously presented claim 146 and 150, which was objected to by the Examiner.

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Independent claim 206 should now be allowable, since it is based on previously presented claim 139, which was objected to by the Examiner.

Independent claim 209 should now be allowable, since it is based on previously presented claim 141, which was objected to by the Examiner.

Independent claim 215 should now be allowable, since it is based on previously presented claim 153, which was objected to by the Examiner.

Independent claim 216 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the claimed first and second identity selection devices used in combination with the claimed transmitter and the receiver assemblies, as claimed.

Independent claim 219 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, used in combination with the claimed transmitter assembly, as claimed.

Independent claim 225 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, as claimed.

11. The Applicant submits that all of the present claims are now in a condition for allowance, and hereby request reconsideration of allowance.

12. Any inquiry related to this response should be communicated to Daniel J. Magine at the address and phone number presently on file with the USPTO.

Respectfully submitted,
Daniel J. Magine, et al.

By: Daniel J. Magine
Daniel J. Magine